

WESTERN GRAIN ELEVATOR ASSOCIATION

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December 23, 2003

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1601
Rockville, MD
USA, 20852

Dear Sir or Madam,

Re: Docket Number 02N-0278

U.S. Food and Drug Administration Bioterrorism Act of 2002: Interim Final Rules for Registration of Food Facilities and Prior Notice of Imported Food Shipments

Further to our submission of April 4, 2003, the Western Grain Elevator Association welcomes the opportunity to provide additional comment on the interim final rules for prior notice of imported food shipments under *The Public Health Security and Bioterrorism Preparedness and Response Act 2002*.

Prior Notice of Imported Food

Our members believe the maximum limitation on prior notice should be changed from 5 to 10 days before arrival. This would assist grain companies deal with the un-predictable nature of rail traffic and reduce costs to shippers, while still providing adequate notice to the FDA.

The FDA should consider bringing their minimum pre-notification timelines in line with US Customs Border Patrol (CBP). The CBP allows trucks 1-hour minimum pre notification versus the 2 hours currently required by the FDA. This change would give our members the flexibility required when shipping from southern facilities. With a 2-hour pre-notification requirement, shippers would have to provide the FDA with pre-notification the day before the truck is scheduled to load instead of as it happens. Otherwise, they would be paying extra costs to truck carriers while they wait in order to comply with the time window. With "day before" notice, companies will have to send an amendment to the broker once the truck actually loads, adjusting the weight for CBP purposes. The change to the CBP timelines would allow companies to pre notify after the truck loads eliminating the amendment process.

An allowance should be made for a single prior notice for a block of cars destined to the same receiver. This would reduce costs and time involved in providing prior notice on individual cars for both the FDA and shippers. The complete list of individual car numbers could be included on the single notice.

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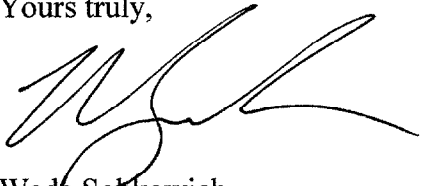
- Agricore United • Cargill Limited • ConAgra Grain, Canada • James Richardson International Limited •
- Louis Dreyfus Canada Limited • Parrish & Heimbecker, Limited • N.M. Paterson & Sons Limited •
- Saskatchewan Wheat Pool • Weyburn Inland Terminal Ltd •

We request that a simpler procedure be considered for mailing of grain samples. We propose that shippers be allowed to provide a pre-approved list of customers who may receive samples in a particular month, on a monthly basis.

In cases where cars are inspected, CBP should be required to replace the seals that were removed. Otherwise, these cars will be returned to the shipper upon arrival at a destination with missing seals, which would be very costly to grain companies.

The WGEA and its members will continue to work with the FDA to ensure that the objectives of bioterrorism are met in a manner that is workable and cost-effective for all parties involved. In this spirit, we respectfully submit these suggestions as to how the interim final rules may be improved.

Yours truly,

A handwritten signature in black ink, appearing to read 'Wade Sobkovich', with a stylized, flowing script.

Wade Sobkovich
Executive Coordinator